

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-1059 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.

15.11.2019.

Mr. Wishan Das, advocate along with applicants.

Ms. Rameshan Oad, A.P.G for the State.

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Irshad Ali Shah J;- It is alleged that the applicants were found selling gutka / mainpuri an injurious / poisonous substance intending to spread infections / disease likely to be dangerous / poisonous to human lives, for that they were booked and reported upon by the police.

2. The applicants on having been refused pre arrest bail by learned Ist Additional Sessions Judge, Tharparkar at Mithi have sought for the same from this Court by way of instant application under Section 498 Cr.P.C.

3. It is contended by learned counsel for the applicants that the applicants being innocent have been involved in this case falsely by the police without any lawful justification and malafide. By contending so, he sought for pre-arrest bail for the applicants on bail on point of further enquiry and malafide.

4. Learned A.P.G. for the State has opposed to grant of pre arrest bail to the applicants by contending that the offence which they have committed is affecting the society at large.

5. I have considered the above arguments and perused the record.

6. All the penal sections applied in case are bailable, except one under section 337-J PPC, which entails imprisonment up-to 10 years in addition to Arsh / Daman. There is no independent witness to the incident. Negligible quantity of contraband substance has been subjected to chemical examination that too with delay of about five days. The case has finally been challaned and there is no apprehension of tempering with the evidence on the part of applicants as all the witnesses are police personals. In these circumstances, a case for grant of bail to the applicants on point of further enquiry and malafide is obviously made out.

7. In view of above, the interim pre-arrest bail already granted to the applicants is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

JUDGE